

108TH CONGRESS
2D SESSION

S. RES. 429

Establishing a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Mr. DURBIN (for himself, Mr. CRAIG, Mr. AKAKA, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Establishing a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch;

Whereas the Senate Special Committee to Investigate the National Defense Program, popularly known as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities;

Whereas the Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars; and

Whereas the public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent:
Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. SPECIAL COMMITTEE ON WAR AND RECON-**
3 **STRUCTION CONTRACTING.**

4 There is established a special committee of the Senate
5 to be known as the Special Committee on War and Recon-
6 struction Contracting (hereafter in this resolution referred
7 to as the “Special Committee”).

1 **SEC. 2. PURPOSE AND DUTIES.**

2 (a) PURPOSE.—The purpose of the Special Com-
3 mittee is to investigate the awarding and performance of
4 contracts to conduct military, security, and reconstruction
5 activities in Afghanistan and Iraq and to support the pros-
6 ecution of the war on terrorism.

7 (b) DUTIES.—The Special Committee shall examine
8 the contracting actions described in subsection (a) and re-
9 port on such actions, in accordance with this section, re-
10 garding—

11 (1) bidding, contracting, accounting, and audit-
12 ing standards for Federal Government contracts;

13 (2) methods of contracting, including sole-
14 source contracts and limited competition or non-
15 competitive contracts;

16 (3) subcontracting under large, comprehensive
17 contracts;

18 (4) oversight procedures;

19 (5) consequences of cost-plus and fixed price
20 contracting;

21 (6) allegations of wasteful and fraudulent prac-
22 tices;

23 (7) accountability of contractors and Govern-
24 ment officials involved in procurement and con-
25 tracting;

1 (8) penalties for violations of law and abuses in
2 the awarding and performance of Government con-
3 tracts; and

4 (9) lessons learned from the contracting process
5 used in Iraq and Afghanistan and in connection with
6 the war on terrorism with respect to the structure,
7 coordination, management policies, and procedures
8 of the Federal Government.

9 (c) EVIDENCE CONSIDERED.—In carrying out its du-
10 ties, the Special Committee shall ascertain and evaluate
11 the evidence developed by all relevant governmental agen-
12 cies regarding the facts and circumstances relevant to con-
13 tracts described in subsection (a).

14 **SEC. 3. COMPOSITION OF SPECIAL COMMITTEE.**

15 (a) MEMBERSHIP.—

16 (1) IN GENERAL.—The Special Committee shall
17 consist of 7 members of the Senate of whom—

18 (A) 4 members shall be appointed by the
19 President pro tempore of the Senate, in con-
20 sultation with the majority leader of the Senate;
21 and

22 (B) 3 members shall be appointed by the
23 minority leader of the Senate.

24 (2) DATE.—The appointments of the members
25 of the Special Committee shall be made not later

1 than 90 days after the date of the enactment of this
2 Act.

3 (b) VACANCIES.—Any vacancy in the Special Com-
4 mittee shall not affect its powers, but shall be filled in
5 the same manner as the original appointment.

6 (c) SERVICE.—Service of a Senator as a member,
7 chairman, or ranking member of the Special Committee
8 shall not be taken into account for the purposes of para-
9 graph (4) of rule XXV of the Standing Rules of the Sen-
10 ate.

11 (d) CHAIRMAN AND RANKING MEMBER.—The chair-
12 man of the Special Committee shall be designated by the
13 majority leader of the Senate, and the ranking member
14 of the Special Committee shall be designated by the minor-
15 ity leader of the Senate.

16 (e) QUORUM.—

17 (1) REPORTS AND RECOMMENDATIONS.—A ma-
18 jority of the members of the Special Committee shall
19 constitute a quorum for the purpose of reporting a
20 matter or recommendation to the Senate.

21 (2) TESTIMONY.—One member of the Special
22 Committee shall constitute a quorum for the purpose
23 of taking testimony.

24 (3) OTHER BUSINESS.—A majority of the mem-
25 bers of the Special Committee, or $\frac{1}{3}$ of the members

1 of the Special Committee if at least one member of
 2 the minority party is present, shall constitute a
 3 quorum for the purpose of conducting any other
 4 business of the Special Committee.

5 **SEC. 4. RULES AND PROCEDURES.**

6 (a) GOVERNANCE UNDER STANDING RULES OF SEN-
 7 ATE.—Except as otherwise specifically provided in this
 8 resolution, the investigation, study, and hearings con-
 9 ducted by the Special Committee shall be governed by the
 10 Standing Rules of the Senate.

11 (b) ADDITIONAL RULES AND PROCEDURES.—The
 12 Special Committee may adopt additional rules or proce-
 13 dures if the chairman and ranking member agree that
 14 such additional rules or procedures are necessary to enable
 15 the Special Committee to conduct the investigation, study,
 16 and hearings authorized by this resolution. Any such addi-
 17 tional rules and procedures—

18 (1) shall not be inconsistent with this resolution
 19 or the Standing Rules of the Senate; and

20 (2) shall become effective upon publication in
 21 the Congressional Record.

22 **SEC. 5. AUTHORITY OF SPECIAL COMMITTEE.**

23 (a) IN GENERAL.—The Special Committee may exer-
 24 cise all of the powers and responsibilities of a committee
 25 under rule XXVI of the Standing Rules of the Senate.

1 (b) HEARINGS.—The Special Committee or, at its di-
2 rection, any subcommittee or member of the Special Com-
3 mittee, may, for the purpose of carrying out this resolu-
4 tion—

5 (1) hold such hearings, sit and act at such
6 times and places, take such testimony, receive such
7 evidence, and administer such oaths as the Special
8 Committee or such subcommittee or member con-
9 siders advisable; and

10 (2) require, by subpoena or otherwise, the at-
11 tendance and testimony of such witnesses and the
12 production of such books, records, correspondence,
13 memoranda, papers, documents, tapes, and materials
14 as the Special Committee considers advisable.

15 (c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

16 (1) ISSUANCE.—Subpoenas issued under sub-
17 section (b) shall bear the signature of the Chairman
18 of the Special Committee and shall be served by any
19 person or class of persons designated by the Chair-
20 man for that purpose.

21 (2) ENFORCEMENT.—In the case of contumacy
22 or failure to obey a subpoena issued under sub-
23 section (a), the United States district court for the
24 judicial district in which the subpoenaed person re-
25 sides, is served, or may be found may issue an order

1 requiring such person to appear at any designated
2 place to testify or to produce documentary or other
3 evidence. Any failure to obey the order of the court
4 may be punished by the court as a contempt of that
5 court.

6 (d) MEETINGS.—The Special Committee may sit and
7 act at any time or place during sessions, recesses, and ad-
8 journment periods of the Senate.

9 **SEC. 6. REPORTS.**

10 (a) INITIAL REPORT.—The Special Committee shall
11 submit to the Senate a report on the investigation con-
12 ducted pursuant to section 2 not later than 270 days after
13 the appointment of the Special Committee members.

14 (b) UPDATED REPORT.—The Special Committee
15 shall submit an updated report on such investigation not
16 later than 180 days after the submission of the report
17 under subsection (a).

18 (c) ADDITIONAL REPORTS.—The Special Committee
19 may submit any additional report or reports that the Spe-
20 cial Committee considers appropriate.

21 (d) FINDINGS AND RECOMMENDATIONS.—The re-
22 ports under this section shall include findings and rec-
23 ommendations of the Special Committee regarding the
24 matters considered under section 2.

1 (e) DISPOSITION OF REPORTS.—Any report made by
 2 the Special Committee when the Senate is not in session
 3 shall be submitted to the Clerk of the Senate. Any report
 4 made by the Special Committee shall be referred to the
 5 committee or committees that have jurisdiction over the
 6 subject matter of the report.

7 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

8 (a) STAFF.—

9 (1) IN GENERAL.—The Special Committee may
 10 employ in accordance with paragraph (2) a staff
 11 composed of such clerical, investigatory, legal, tech-
 12 nical, and other personnel as the Special Committee,
 13 or the chairman or the ranking member, considers
 14 necessary or appropriate.

15 (2) APPOINTMENT OF STAFF.—

16 (A) IN GENERAL.—The Special Committee
 17 shall appoint a staff for the majority, a staff for
 18 the minority, and a nondesignated staff.

19 (B) MAJORITY STAFF.—The majority staff
 20 shall be appointed, and may be removed, by the
 21 chairman and shall work under the general su-
 22 pervision and direction of the chairman.

23 (C) MINORITY STAFF.—The minority staff
 24 shall be appointed, and may be removed, by the
 25 ranking member of the Special Committee, and

1 shall work under the general supervision and di-
2 rection of such member.

3 (D) NONDESIGNATED STAFF.—Nondes-
4 ignated staff shall be appointed, and may be re-
5 moved, jointly by the chairman and the ranking
6 member, and shall work under the joint general
7 supervision and direction of the chairman and
8 ranking member.

9 (b) COMPENSATION.—

10 (1) MAJORITY STAFF.—The chairman shall fix
11 the compensation of all personnel of the majority
12 staff of the Special Committee.

13 (2) MINORITY STAFF.—The ranking member
14 shall fix the compensation of all personnel of the mi-
15 nority staff of the Special Committee.

16 (3) NONDESIGNATED STAFF.—The chairman
17 and ranking member shall jointly fix the compensa-
18 tion of all nondesignated staff of the Special Com-
19 mittee, within the budget approved for such pur-
20 poses for the Special Committee.

21 (c) REIMBURSEMENT OF EXPENSES.—The Special
22 Committee may reimburse the members of its staff for
23 travel, subsistence, and other necessary expenses incurred
24 by such staff members in the performance of their func-
25 tions for the Special Committee.

1 (d) PAYMENT OF EXPENSES.—There shall be paid
2 out of the applicable accounts of the Senate such sums
3 as may be necessary for the expenses of the Special Com-
4 mittee. Such payments shall be made on vouchers signed
5 by the chairman of the Special Committee and approved
6 in the manner directed by the Committee on Rules and
7 Administration of the Senate. Amounts made available
8 under this subsection shall be expended in accordance with
9 regulations prescribed by the Committee on Rules and Ad-
10 ministration of the Senate.

11 **SEC. 8. TERMINATION.**

12 The Special Committee shall terminate on February
13 28, 2007.

○